

Appln. No. 10/796,008
Amd. dated March 19, 2008
Reply to Office Action of October 19, 2007
And the Advisory Action of February 12, 2008

REMARKS

Claims 1-14 and 16-19 currently appear in this application. The Office Action of October 19, 2007 and the Advisory Action of February 12, 2008, have been carefully studied. These claims define novel and unobvious subject matter under Sections 102 and 103 of 35 U.S.C., and therefore should be allowed. Applicant respectfully requests favorable reconsideration, entry of the present amendment, and formal allowance of the claims.

Interview Summary

Applicant's attorney wishes to thank Examiner Piziali for the courtesies extended during the telephone interview of January 16, 2008. During that interview, it was agreed that the limitations of claims 21 and 22 would be inserted into claims 16 and 17, respectively. This amendment effects those changes.

With respect to the art rejections, it was agreed that McCullough, the main reference, teaches a fire barrier structure comprising a blend of carbonaceous fibers and natural and/or synthetic fibers. The herein claimed fabric is composed only of carbon fibers. Claim 16, the only independent claim, has been amended to recite that the fabric consists of carbon fibers.

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Claim Objections

Claims 16, 17 and 22 are objected to because of informalities.

In accordance with the Examiner's helpful suggestion, claim 16 has been amended to recite "bundles" between "50" and "per."

In accordance with the Examiner's helpful suggestion, claim 17 has been amended to recite "bundles" between "40x40" and "per."

In accordance with the Examiner's helpful suggestion, claim 22 has been amended to recite "bundles" between "27x24" and "per."

Rejections under 35 U.S.C. 112

Claims 16-19, 21 and 22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The Examiner alleges that the claims contain subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention.

This rejection is respectfully traversed. Claims 16 and 17 have been amended to include the limitations of claims

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21 and 22, respectively. It is believed that this amendment overcomes the rejection.

Art Rejections

Claims 16-19, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCullough, U.S. 4,950,533 in view of Ram, U.S. 3,914,393 in view of Barron, U.S. 4,248,036.

This rejection is respectfully traversed.

McCullough discloses a fire blocking structure formed from a blend of fibers selected from polymeric fibers and nonflammable, irreversibly heat set, carbonaceous fibers. The Examiner concedes that McCullough does not mention the oxygen content of the fibers. Ram is said to disclose that carbon fibers have an oxygen content of at least 7%. However, it should be noted that the Ram fibers are made of acrylic fibers, not from polypropylene fibers.

While Barron mentions fabric density, there is no teaching or suggestion of carbon fabric. Therefore, there is no reason to combine Barron with either McCullough or Ram.

While the Examiner states that the carbon fabrics disclosed in McCullough and Ram inherently have the same properties as the carbon fabric claimed herein which is prepared from polypropylene fibers, it is respectfully submitted that the method of producing the fabric is essential

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to the presently claimed invention. As noted above, the fabric claimed herein consists only of carbon fibers, whereas the McCullough fabric is a blend of carbon fibers and natural and synthetic fibers.

To produce a carbon fabric as claimed herein, a fabric is first prepared from oxidized fibers of polypropylene. The fabric is then carbonized to form a carbon fabric. That is, there are no other fibers in the fabric, unlike in McCullough, who discloses a blend of carbon fibers with other fibers.

Claim 16, the independent claim, has been amended to emphasize that the fabric consist only of carbon fibers.

Claims 16-19 are rejected under 35 U.S.C. 103 (a) as being unpatentable over from McCullough in view of Ogawa et al USP 4,861,809 ("Ogawa") in view of Barron. This rejection is respectfully traversed.

McCullough has been thoroughly described above, and applicant's comments above regarding McCullough are respectfully repeated by reference. Ogawa relates to a friction material, e.g. for brake or clutch pads. The idea is to substitute carbon fibers in such pads in place of carcinogenic asbestos. As with Ram, the Ogawa fibers are made from acrylic polymers. No fabric at all is made, but instead

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the fibers are used embedded in a thermoses resin matrix just as asbestos fibers were previously embedded.

Considering the differences between the objectives, uses and structures of McCullough compared to Ogawa, the person of ordinary skill in the art would have had no reason to take anything from Ogawa and substitute it into McCullough. Moreover, even if such were done, applicant's claimed subject matter would not be obtained for the same reasons as pointed out above in applicant's reply to the rejection based on McCullough in view of Ram.

Even if McCullough discloses that the fabric can be made into a hose covering, and Barron teaches that hose coverings may have a warp density of 27 to 32 and a weft density of 24 to 32, one skilled in the art would not have arrived at the herein claimed fabric because there is no disclosure of a fabric made only of carbon fibers.

Withdrawal of the rejection is in order and is respectfully requested.

Applicant believes that all issues raised in the Official Action have been addressed above in a manner that should lead to patentability of the present application. Favorable consideration and early formal allowance are respectfully requested.

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Respectfully submitted,

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